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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
4th FLOOR, IMDADGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.**

F.No.29 / M / KNL / 2015 / Z-IV.

Date: 28-09-2022.

NANDYAL DISTRICT (ERSTWHILE KURNOOL DISTRICT) - BANAGANAPALLI TOWN - KHARIUSTAD MASJID AND ITS ATTACHED PROPERTY SITUATED AT BANAGANAPALLI - Sri K.MAHAMMAD SHAFI, S/o Late K.MOHAMMAD IBRAHIM RECOGNIZED AS MUTAWALLI U/Sec.42 OF THE WAQF ACT, 1995 IN PLACE OF HIS GRAND FATHER Late MEHABOOB HUSSAIN.

- Read :**
1. This office Proceedings in F.No. B3/11KNL/87, dated:08-01-2003.
 2. This office Proceedings in F.No. 29/M/KNL/2015, dated:0-08-2016.
 3. Joint representation of K. Munawar Basha and K. Mahammad Shafi sons of late K. Mahammad Ibrahim R/o.10-104, Banaganapalli Town, dated. 16-10-2020.
 4. This Office Memo of even dated. 27-10-2020.
 5. Report of the Inspector Auditor, Waqfs, Kurnool Lr.No. 04/KNL/2017, dated. 26-12-2020.
 6. This Office Notification of even No. dated.19-03-2021.
 7. Report of the Inspector Auditor, Waqfs, Kurnool Lr.No. 04/KNL/2017, dated.08-07-2021
 8. Board's Resolution No.363 of 2022, dated:24-08-2022.
 9. Orders of the Hon'ble Chairperson, APSWB, dated.21-09-2022.

ORDER:

The Khariustad Masjid situated at Banaganapalli Town of Kurnool District along with its attached land property bearing Sy.No.164, Ac.1.14 cent and Shadikhana, situated at Banaganapalli Town are notified Waqf property duly published in the AP Gazette No.18-A, dated. 02-05-1963 under Serial No.1716 at Page Nos. 40 & 41 under the Towliath of Mehaboob Hussain. The Rule of Succession to the office of Mutawalli specified as "hereditary by custom".

In the ref. 1st read above, the Board has appointed to Sri. K.Mohd. Ibrahim, S/o. late Mahaboob Hussain, as Mutawalli to the subject institution in place of his deceased father Mehaboob Hussain.

Due to ill health of Mutawalli, the Board has appointed his son Sri.K.Mahaboob Basha, S/o. Mohd.Ibrahim as Mutawalli to the subject institution U/sec. 63 of Waqf Act, 1995 for period of (2) years vide ref. 2nd read above, and the period was expired on 08-08-2018.

In the reference 3rd read above, a joint representation has been received from Sri.K.Munawar Basha and Sri.K.Mahammad Shafi sons of late Mohammad Ibrahim residents of Banaganapalli Town stating that, they are the legal heirs of late notified Muthawalli of Mehaboob Hussain and the services of the above said Masjid is being rendering since their forefathers. Their father late Mohammad Ibrahim has appointed as Muthawalli for the above said Masjid under hereditary due to old age and ill-health, their elder brother K. Mahaboob Basha has appointed as Muthawalli by the AP State Waqf Board vide proceedings dated.09-08-2016 and he died on 29-06-2020 due to ill health and leaving behind his wife and two children at the age of (3) years one and another 6 months old respectively. Since the death of their brother, they are rendering the services of the said Masjid and requested to appoint them as joint Muthawallies of the said Masjid and submitted their representation along with the proceedings dated 09-08-2016 and death certificate of K. Mahaboob Basha and family members certificate of their mother K. Sakina Bee.

Vide reference 4th read above, it has been directed to the Inspector Auditor, Waqfs, Kurnool District to submit report on the joint representation of K. Munawar Basha and K. Mahammas Shafi dated.16-10-2020. Accordingly the Inspector Auditor Waqfs, Kurnool District has submitted his detailed report vide ref. 5th read above and recommended the candidature of Sri.K.Mahammad Shafi for recognition of

Muthawalli for the subject Masjid and submitted the copies of death certificate of K. Mahaboob Basha, family members certificate of K. Mahaboob Basha, No objection certificate of family members of Sri.K. Mohammad Ibrahim, NOC from Sri.K.Munwar Basha who is one of the applicant.

In the ref 5th read above, this office has issued paper notification duly inviting claims and objections if any for appointment of Sri.K.Mahammad Shafi, S/o K. Mohammed Ibrahim as Mutawalli to the subject Waqf institution and its attached properties within a period of (15) days from the date of Publication of this Notification with documentary evidence and the Inspector Auditor Waqfs Kurnool District has reported vide ref.6th read above, that the aforesaid notification has been published in the Andhra Jyothi Telugu daily District edition of Kurnool on 07-04-2021 and there were no claims & objections were received within period of stipulated time from the date of Publication of the notification.

The subject matter was placed before the Board and the Board has passed resolution No.363 of 2022, dated.24-08-2022 vide ref.7th read above to recognize Sri.K.Mahammad Shafi, S/o.K. Mohammed Ibrahim as Mutawalli U/sec.42 of Waqf Act, 1995 in place of his grandfather late Mehaboob Hussain to Khariustad Masjid and its attached property situated at Banaganapalli Town & Mandal of Nandyal District.

Accordingly, Sri.K.Mahammad Shafi, S/o.K.Mohammed Ibrahim is hereby recognized as Mutawalli in place of his grandfather late Mehaboob Hussain to Khariustad Masjid and its attached property situated at Banaganapalli Town & Mandal, Nandyal District U/sec.42 of Waqf Act,1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.

- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To
Sri.K.Mahammad Shafi, S/o.K.Mohammed Ibrahim,
Mutawalli of Khariustad Masjid,
Banaganappli Mandal & Town, Nandyal District.

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